

Serial No.: 09/844,740

*sub
B/DI*

37. A method for scrambling data, comprising the steps of:
generating scramble data having a value which is randomly determined;
generating a pseudo-random number sequence in accordance with the value of
the scramble data; and
generating scrambled data by performing a logical operation on the pseudo-
random number sequence and said data.

Attached hereto is an Appendix which includes the above-noted changes in annotated form.

REMARKS

Claims 1-42 are pending in this reissue application. Claim 37 has been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

I. ALLOWABLE SUBJECT MATTER

Applicants again acknowledge with appreciation the allowance of original claims 1-36.

II. REJECTION OF CLAIMS 37-42 UNDER 35 USC §112, 2ND ¶

Claims 37-42 stand rejected under 35 USC §112, second paragraph, as being indefinite. Withdrawal of the rejection is respectfully traversed for at least the following reasons.

In the Office Action, the Examiner asserts that the term "data" in line 6 of claim 37 is confusing. Specifically, the Examiner indicates that the term may refer to the scramble data in line 2 or the scrambled data in line 5, for example.

Applicants have amended claim 37 in order to address the indefiniteness raised by the Examiner. Specifically, claim 37 has been amended to refer to "said data" in line 6 to make clear that the data being referred to is the data to be scrambled as first introduced in the preamble of claim 37. The other data referred to in claim 37 is

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"scramble data" (which is different data used to scramble the data) and "scrambled data" (which is different data produced by scrambling the data). Thus, applicants respectfully submit that claim 37 is now clear in its reference to "said data" in line 6.

Accordingly, withdrawal of the rejection is respectfully requested.

III. REJECTION OF CLAIMS 37-42 UNDER 35 USC §102(e)

Claims 37-42 now stand rejected under 35 USC §102(e) based on *Murakami et al.* (USP 5,671,226). This rejection is respectfully traversed for at least the following reasons.

The Examiner contends that Fig. 20(a) of *Murakami et al.* illustrates a method and recording medium for scrambling and recording scrambled data as recited in the claims. The Examiner may be correct that the pseudo-random number generator 73a outputs a pseudo-random number sequence which is logically operated upon the data 71. However, applicants note that claims 37-42 refer to the pseudo-random number sequence being generated in accordance with the value of the scramble data, which *the scramble data itself has a value that is randomly determined*.

In *Murakami et al.*, the reference simply states that the pseudo-random number generator 73a generates a pseudo-random number sequence 74a responsive to an initial value 72a. (See, e.g., Column 2, lines 59-67). *Murakami et al.* does not teach or suggest that the initial value 72a itself has a value which is randomly determined. Thus, *Murakami et al.* is subject to the same shortcomings described in the present application where a same initial value 72a is used as a seed to generate a pseudo-random number sequence. (See, e.g., USP 5,898,394, Column 26, lines 10-15).

Claims 37, 39 and 41 each recite generating a pseudo-random number sequence in accordance with a value of a scramble data "which is randomly determined". For the reasons explained above, *Murakami et al.* does not teach or suggest an initial or "seed" value 72a "which is randomly determined" as recited in claims 37, 39 and 41.

As a result, withdrawal of the rejection of claims 37, 39 and 41, together with the claims dependent therefrom, is respectfully requested.

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IV. CONCLUSION


Accordingly, all claims 1-42 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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DATE: January 29, 2003

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile to 703 308 7722 on the date shown below to: Box Non-Fee Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231.


January 29, 2003
DATE

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APPENDIX

IN THE CLAIMS:

Claim 37 has been amended as follows:

37. A method for scrambling data, comprising the steps of:
generating scramble data having a value which is randomly determined;
generating a pseudo-random number sequence in accordance with the value of
the scramble data; and
generating scrambled data by performing a logical operation on the pseudo-
random number sequence and said data.